

1 CITY COUNCIL RESOLUTION NO. 10-_____

2 A RESOLUTION DENYING AN APPEAL BY MR. MARK SMITH AND APPROVING A
3 LARGE LOT TENTATIVE MAP FOR PLAN AREA 1 OF THE BALTIMORE RAVINE
4 SPECIFIC PLAN (FILE: SUB 07-2)

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6 THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE
7 AND ORDER AS FOLLOWS:

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9 SECTION 1. The City Council held a properly noticed, public hearing at
10 its special meeting of January 13, 2011, to consider an appeal of the
11 Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is
12 proposed for the 406-acre Urban Reserve area situated in southwest Auburn.
13 The proposal includes approval of a Large Lot Tentative Subdivision Map
14 which creates a total of seventeen (17) parcels that are consistent with the
15 land use plan in Plan Area 1 of the BRSP.

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17 SECTION 2. The City of Auburn City Council has considered all of the
18 evidence submitted into the administrative record including:

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- 20 1. The appeal application submitted by Mark Smith dated November
21 24, 2010.
 - 22 2. Agenda reports prepared by the Community Development
23 Department for the January 13, 2011 City Council meeting and for
24 the September 21, 2010 and November 16, 2010 Planning
25 Commission meetings.
 - 26 3. Staff presentation at the public hearing held on January 13, 2011.
 - 27 4. Documents submitted by the applicant including but not limited to
28 the BRSP, Large Lot Tentative Map, and photographs.

5. Public comments, written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
6. All related documents received and/or submitted at or prior to the public hearing.
7. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.
8. The Environmental Impact Report, and all related documents.

SECTION 3. CEQA. Because the Auburn City Council approved [Resolution 10-__](#) certifying the BRSP Environmental Impact Report, which analyzed the approvals contemplated by this resolution, the ultimate approval of actions contemplated by this resolution complies with the California Environmental Quality Act.

SECTION 4. Findings. In view of all of the evidence and based on the foregoing findings, and the reasons set forth in the Environmental Impact Report, the City of Auburn City Council finds the Planning Commission properly made all applicable findings and all applicable provisions of the Municipal Code have been complied with. The City Council further finds the following for the Baltimore Ravine Specific Plan Large Lot Tentative Map:

1. The proposed subdivision is consistent with the Auburn General Plan and the Baltimore Ravine Specific Plan.
2. The design or improvement of the proposed subdivision is consistent with the objectives, policies, general land uses, and programs specified in the Auburn General Plan and the Baltimore Ravine Specific Plan.
3. The site is physically suitable for the proposed development.

- 1 4. The site is physically suitable for the proposed density of
- 2 development.
- 3 5. The design of the subdivision or the proposed improvements is not
- 4 likely to cause substantial environmental damage or substantially
- 5 and avoidably injure fish or wildlife or their habitat.
- 6 6. The design of the subdivision or improvements is not likely to cause
- 7 serious public health problems.
- 8 7. The design of the subdivision or the type of improvements will not
- 9 conflict with easements, acquired by the public at large, for access
- 10 through or use of, property within the proposed subdivision.
- 11 8. The site for the proposed use is adequate in size, shape, and
- 12 topography for the proposed uses.
- 13 9. The site has sufficient access to streets which are adequate, in
- 14 width and pavement type, to carry the quantity and quality of
- 15 traffic generated by the proposed use as demonstrated by the
- 16 traffic analysis in the EIR and by virtue of the on-site private street
- 17 network depicted on the tentative tract map. The streets within
- 18 the tract meet City standards.
- 19 10. The proposed use will not unreasonably interfere with the use,
- 20 possession and enjoyment of surrounding and adjacent properties
- 21 for the reasons stated in the Findings of Fact.
- 22 11. The public interest, convenience, and necessity require that use be
- 23 permitted at the location requested for the reasons stated in the
- 24 Findings of Fact.

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26 SECTION 5. The time in which to seek judicial review of this decision

27 shall be governed by Code of Civil Procedure Section 1094.6. The City Clerk

28 shall certify to the adoption of this resolution, transmit copies of the same to

1 the applicant and his counsel, if any, together with a proof of mailing in the
2 form required by law and shall enter a certified copy of this resolution in the
3 book of resolutions of the City.

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5 DATED: January 13, 2011
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8 William W. Kirby, M.D., Mayor

9 ATTEST:

10 Joseph G. R. Labrie, City Clerk
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13 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
14 that the foregoing resolution was duly passed at a special meeting of the City
15 of Auburn City Council held on January 13, 2011 by the following vote on roll
call:

16 Ayes:
17 Noes:
18 Absent:

19 Joseph G. R. Labrie, City Clerk
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